

THIRD DIVISION

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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IN THE INTEREST OF L.H., I.H., and C.H.,	)	
Minors-Respondents-Appellees.	)	Appeal from the
	)	Court Circuit of
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	Cook County.
	)	
Petitioner-Appellee,	)	
	)	11 JA 643-645
v.	)	
	)	
JACKIE H.,	)	The Honorable
	)	Erica Reddick,
Mother-Respondent-Appellant).	)	Judge Presiding.

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JUSTICE NEVILLE delivered the judgment of the court.  
Presiding Justice Hyman and Justice Mason concurred in the judgment.

**ORDER**

¶ 1 *Held:* Where a child's therapist testifies that testifying in court could harm the child, and the court has other means to learn what the child has said about the issues before the court, the court does not abuse its discretion by quashing a subpoena to bring the child to court to testify. When a parent puts his/her children in a social setting with naked adults, and encourages his daughter to receive therapy from a man who sometimes, in the course of therapy, digitally penetrates the vaginas of the recipients of his therapy, the evidence sufficiently supports a finding that the parent exposed his/her children to an injurious environment. An order that requires a parent to establish a support system for his/her children apart from the church, when the evidence supports the conclusion that too much involvement with the church may isolate the children, the court's order does not impermissibly infringe on the parent's freedom of religion.

¶ 2 The State of Illinois petitioned to adjudicate L.H., I.H. and C.H. wards of the court, alleging that a church they attended with their mother, Jackie H., exposed them to a risk of harm. The trial court granted the petition. After a dispositional hearing, the court found Jackie unwilling or unable to care for the children. The court awarded custody of the children to their father, Christopher H., while allowing Jackie liberal visitation. Jackie now appeals.

¶ 3 We hold that the trial court did not abuse its discretion when it quashed subpoenas Jackie issued to compel her children to testify in the adjudication proceedings. Jackie forfeited any objection to the court's decision to appoint a single guardian ad litem to represent all three children. The court's findings at the adjudication hearing and the dispositional hearing were not against the manifest weight of the evidence, and the dispositional order does not impermissibly infringe on Jackie's freedom of religion. Accordingly, we affirm the trial court's judgment.

¶ 4 BACKGROUND

¶ 5 Jackie gave birth to L.H. in 1996, to I.H. in 2000, and to C.H. in 2004. In 2008, Jackie filed a petition in Kane County for dissolution of her marriage with Christopher. The Kane County court granted the petition and allocated the parties' debts and assets. In the course of its ruling, the court noted the "bizarre" financial circumstances of the parties. Christopher admitted that he prepared false W-2 forms and a false paystub to deceive lenders so that he and Jackie could acquire homes and cars beyond their means. Two homes the parties purchased through the use of false loan applications went into foreclosure, and a car dealer repossessed a car the parties purchased. The court said,

"[Christopher] has absolutely no moral compass. He does whatever he wants whenever he wants despite the consequences to others. He has admitted to all sorts of financial fraud and criminal activity. He does not play by the rules established by society."

The Kane County court awarded custody of the children to Jackie at the conclusion of divorce proceedings.

¶ 6 In August 2011, the Kane County court awarded custody of the children to Christopher, and restricted Jackie's visits with her children, in response to evidence concerning the Light of the World Ministries (the Ministries), a church Jackie attended with her children. Christopher moved with his children to his parents' home in Cook County. In October 2011, the State's Attorney for Cook County petitioned for adjudication of wardship for the three children.

¶ 7 Because of the allegations about the Ministries, police interviewed L.H. and I.H. in videorecorded victim-sensitive interviews, asking them about the Ministries and "light therapy." After a hearing concerning temporary custody, the court left the children in Christopher's custody, and entered an order of protection circumscribing the children's contact with Jackie. The court appointed a guardian ad litem to represent the children and set the case for a hearing on the petition for adjudication of wardship.

¶ 8 Jackie subpoenaed her children to appear and testify at the adjudicatory hearing. The guardian ad litem moved to quash the subpoena. After the adjudicatory hearing began, the court held an evidentiary hearing on the motion to quash and I.H.'s therapist testified that I.H. told the therapist she did not want to testify in court. Jackie withdrew the subpoena for I.H.

¶ 9 Lisa Vargas, an investigator for the Department of Children and Family Services (DCFS), testified at the adjudication hearing that when she spoke to Jackie about the allegations, Jackie denied that the Ministries and its pastors engaged in any practice of "light therapy." Vargas watched the police interview L.H. In Vargas's opinion, L.H. appeared very uncomfortable when the officer started to ask questions about the Ministries and the therapy the church pastors performed.

¶ 10 Jeri Getahun, a caseworker for DCFS, testified that questioning L.H. about events at the church might harm L.H. Getahun told the court that L.H. wanted to speak directly to the judge about her living situation, but she did not want to discuss with the judge the Ministries or light therapy. Getahun suggested that the court could watch the videorecording of the police discussion with L.H., rather than bringing L.H. into court to testify.

¶ 11 Michelle McCullough, L.H.'s therapist, testified that L.H., like I.H., did not want to testify in court. In McCullough's opinion, questioning L.H. about events at the church, even in a private conversation with the judge, could detrimentally affect L.H. McCullough concluded that testifying in court would not serve L.H.'s best interests.

¶ 12 The court found that "the questions that are relevant to this case are the questions that the therapist says shouldn't be asked because it wouldn't be in [L.H.'s] best interest to answer those." The court decided not to "harm this child emotionally by having her come in to testify." The court quashed the subpoenas for L.H. and C.H.

¶ 13 At the adjudication hearing, Jackie admitted that she worked with the Ministries since 2005, and she felt very close to Phil Livingston, who operated the Ministries. The Ministries, with Phil and Colleen Livingston acting as pastors, met in Jackie's home on some occasions in 2009, and for a few months in 2010, the Livingstons lived in Jackie's home.

¶ 14 Jackie explained light therapy, an experimental procedure which the Livingstons developed to alleviate anxiety, stress and pain. Light therapy involves physical contact between the therapist and the recipient of therapy, starting with praying with the therapist's hands laid on the recipient. As the therapy progressed, in later sessions, the recipient would remove clothing. Jackie testified that she eventually reached the point in light therapy where both she and Phil had no clothes on, and Phil prayed for Jackie with his fingers in her vagina and anus. Jackie also on occasion put her hands on Phil's genitals and prayed for him. According to Jackie, she took part in this therapy only in Phil's home and never while any of her children were at Phil's home. Jackie admitted that sometimes she left L.H. at the church while she and Phil went a few miles away to Phil's home for therapy sessions. Jackie explained that the therapy alleviated her depression and made her feel more comfortable, as it desexualized the human body.

¶ 15 Jackie testified that she never discussed light therapy with L.H. Jackie and L.H. decided to withdraw L.H. from her public school because L.H. felt rejected by the other students at the school. Jackie homeschooled L.H.

¶ 16 Mike Ericksen, a pastor for the Ministries, testified that he, too, engaged in light therapy with the Livingstons. Ericksen took off his clothes for therapy sessions in the Livingstons' home. Colleen put her finger in Ericksen's anus as part of therapy. Ericksen testified that other adults walked around the home naked, but they never took off their clothes when children visited the home. The therapy never took place in the church, and never in the presence of children.

¶ 17 The court watched the recording of the police officer's discussion with L.H. L.H. said she met with Phil privately on perhaps 20 occasions. She told the officer that no one touched

her privately or inappropriately, and no one asked her to take off her clothes. She had heard the term "light therapy," and she thought it referred to a procedure in which one lets God enter them through the touch of another person.

¶ 18 Linda Jerusalemiec, who divorced Ericksen in 2011, testified that she engaged in light therapy with the Livingstons, who prayed to cleanse Jerusalemiec's body. Phil told Jerusalemiec that she would get more healing light into her body if she took off her clothes. In 2010 she progressed to receiving light therapy naked. Phil encouraged her to reach orgasm, with his fingers in her vagina and anus, as that would show she had let God's light in. She walked around the Livingston's home naked, where she saw Jackie, L.H. and I.H. naked. She saw C.H. there, too, but he always kept his clothes on. Jerusalemiec, together with Jackie, put her hands on Phil's genitals and prayed for him in the course of light therapy. Phil asked Jerusalemiec to help make L.H. comfortable with nakedness and light therapy. Jerusalemiec allowed Phil to use her credit card. He ran up bills totaling \$12,000 on her credit.

¶ 19 Detective Peter Bognar testified that he investigated the allegations of improprieties in the Ministries. Jackie avoided meeting with him from the start of his investigation in July 2011, until September 2011, for a discussion of the allegations. In September 2011, Bognar spoke to other teenage girls involved in the Ministries. N.G., a girl a little older than L.H., told Bognar that Phil encouraged all young girls to receive light therapy from him. Ministers with the Ministries told her that to become part of the Ministries, she would need to leave college and devote all her time to the Ministries. She decided to quit the Ministries. Bognar testified that N.G. said the members of the church, including girls she considered her friends, told her that because she left the Ministries, they could no longer have any contact with her.

¶ 20 N.G. testified that Bognar misunderstood her. She had a falling out with her friends after she left the Ministries. No one with the Ministries ever encouraged her to remove any clothing. She met with Phil alone for some prayer appointments.

¶ 21 The trial court made extensive findings in support of its adjudication of L.H., I.H. and C.H. as neglected children, subjected to an injurious environment with a substantial risk of physical harm. The court observed that Jackie initially lied to Vargas and avoided Bognar, and her testimony in court seemed, at times, evasive. The court also found not credible Ericksen's testimony that no children saw the adults naked. The court believed Jerusalimiec's testimony. The court concluded that the Ministries enveloped L.H. and isolated her from persons and activities not directly related to the Ministries. The court held that the evidence did not prove Phil penetrated L.H. in their counseling sessions, but the ever closer contact with Phil put L.H. at risk of such contact, which could impair her emotional health. The court found that the evidence of an injurious environment for L.H. also supported a finding of an injurious environment for I.H. and C.H. In an order dated November 21, 2012, the court granted the State's petition, and adjudicated the three children wards of the court.

¶ 22 About a month later, the court began the dispositional hearing. During the hearing, L.H., through the guardian ad litem, asked the court to appoint a different guardian ad litem to represent her interests, because L.H. believed the guardian ad litem had not forcefully advocated returning L.H. to Jackie's custody. The guardian ad litem informed the court of L.H.'s wishes, but also informed the court that in the guardian ad litem's opinion, the court would best serve L.H.'s interests by leaving her in her father's custody. The court appointed a new guardian ad litem to represent only L.H., and left the original guardian ad litem to represent only I.H. and C.H. The court restarted the dispositional hearing.

¶ 23 Jim Sanford, a case manager who investigated the family's circumstances, testified that Christopher and his new wife, D.H., provided a good home for the children. D.H. earned sufficient income to support the family while Christopher attended law school. Christopher and D.H. got along well with C.H. and I.H. Although Christopher and D.H. had a strained relationship with L.H., the relationship appeared to be improving. All three children performed well in school and had good relationships with other students.

¶ 24 Sanford testified that Jackie had serious financial difficulties, and she would need considerable support to take care of the children. Jackie told Sanford that the bank had started proceedings to foreclose the mortgage on her home. Sanford testified that Jackie's home no longer had any interior doors, including no doors for any bathrooms, because Jackie sold the doors. She had also sold the countertop from her kitchen. Jackie told Sanford she expected her family to help her financially if she regained custody of the children.

¶ 25 In Sanford's opinion, Jackie had co-dependent tendencies, and she had let the Ministries take over too much of her life. Jackie refused to engage in the therapy DCFS recommended. L.H. had not consistently participated in the recommended therapy. C.H. attended the sessions but said nothing to the therapist. C.H. admitted to Sanford that he did not participate in therapy because Jackie told him not to. Although Sanford found that all three children had very strong relationships with Jackie, and L.H. and I.H. wanted to return to her custody, he found that leaving the children in Christopher's custody would serve their best interests.

¶ 26 Christopher testified that Jackie cancelled her scheduled visits with the children on July 10, July 17, July 24, July 27 through July 28, July 31, August 10 through August 11, and August 28, 2013, all without explanation.



¶ 27 L.H.'s new guardian ad litem argued that Christopher's continued custody of L.H. served her best interests. The guardian ad litem noted that L.H. arranged her expectations so that Christopher would fail her, no matter what he did. For example, L.H. did not like living with Christopher's parents. L.H. complained that when Christopher moved with D.H. and the children to a new home, he did not consider her need to stay in the same school district. When he accommodated her by driving her to and from school each day, going a half hour out of his way in each direction, he did not sufficiently consider the inconvenience to her of needing to wake up earlier for the long commute. The guardian ad litem also argued that by discouraging L.H. from participating in therapy, Jackie put her own interests ahead of the interests of her children.

¶ 28 The court found Jackie unable or unwilling to care for her children, and Christopher fit, willing and able to care for the children. The court specified that Jackie's refusal to engage in DCFS services, including therapy, showed her unwillingness to work toward return of the children. The court added that Jackie failed to work toward:

"the identified goals \*\*\* for the mother to establish a support system outside of the church ministry based on the Court's findings as to that ministry's impact on not only the mother's [life] but the lives of her children. And as such the Court has determined that it does not create an environment that's appropriate for the minors, and for that reason that the mother is to engage in therapy, make progress toward her understanding of her own needs and issues as they pertain to the acrimonious relationship that existed between the mother and the father, leading up to their divorce and immediately thereafter. But additionally to address the need to be able to

protect the minors from the concerns as to the [e]ffect of her involvement in her current worship experience. How that impacts her children emotionally and the risk of harm associated with it based on the events that were testified to and established as part of adjudication. Which again do not include the minors being sexually, physically abused. But the testimony with regard to the minor [L.H.] having been in the presence of \*\*\* Phil Livingston as part of a therapy \*\*\* that the mother permitted for [L.H.]."

¶ 29 The court entered a dispositional order and an order of protection that left the children in Christopher's custody and ordered Jackie not to permit the children to have any contact with current or former members of the Ministries, other than Jackie. Jackie now appeals.

¶ 30 ANALYSIS

¶ 31 Jackie raises five separate arguments on appeal. She contends that the trial court erred by (1) quashing her subpoenas for L.H. and C.H. to testify at the adjudication hearing; (2) permitting the guardian ad litem for all three children to represent L.H. at the adjudication hearing; (3) finding that Jackie subjected the children to an injurious environment; (4) finding her unable or unwilling to care for the children; and (5) making the return of her children to her custody contingent upon her severing ties with the Ministries.

¶ 32 Subpoenas

¶ 33 We review the trial court's decision to quash the subpoenas for abuse of discretion. *In re A.W., Jr.*, 397 Ill. App. 3d 868, 872-73 (2010). The Juvenile Court Act (Act) directs the trial court to administer proceedings under the Act "in a spirit of humane concern." 705 ILCS 405/1-2(2) (West 2012). The humane concern directive permits the court to consider evidence addressing the effect testifying will have on the subpoenaed children. *A.W., Jr.*,

397 Ill. App. 3d at 874. In *A.W., Jr.*, A.W., Jr.'s mother sought to compel A.W., Jr. to testify, and the trial court refused to so compel the child. The appellate court said,

"[T]he trial court's decision to exclude A.W., Jr., from testifying was based upon evidence that requiring A.W., Jr., to testify would be detrimental to his best interest. We can only imagine the stress and pressure placed on children that are requested to testify in this setting, the impact of which will undoubtedly affect them long-term. We simply cannot know the detrimental effects caused by placing a child in such a situation." *A.W., Jr.*, 397 Ill. App. 3d at 874.

The appellate court held that the trial court did not abuse its discretion when it refused to compel the child to testify. *A.W., Jr.*, 397 Ill. App. 3d at 874.

¶ 34 Here, too, the trial court based its decision on evidence of the best interests of L.H. and C.H. L.H.'s therapist and caseworker both testified that asking L.H. to testify about light therapy and the Ministries could harm her. L.H. wanted to talk to the judge about her living arrangements outside of the courtroom, but she did not want to discuss with the judge the Ministries or light therapy. In accord with the case worker's suggestion, the court watched the recording of the victim-sensitive interview a police officer conducted with L.H., so the court heard and considered L.H.'s statement that her discussions with Phil involved no suggestion that she remove her clothing. Given the facts of this case, we cannot say that the trial court abused its discretion by quashing the subpoenas.

¶ 35 Guardian ad litem for L.H.

¶ 36 Next, Jackie argues that the court should have appointed a new guardian ad litem for L.H. during the adjudication hearing, due to her guardian ad litem's conflict of interest. Jackie

forfeited the issue by failing to raise it in the trial court. See *In re A.H.*, 195 Ill. 2d 408, 424 (2001); *In re Lakita B.*, 297 Ill. App. 3d 985, 991 (1998).

¶ 37 No one suggested any problem with L.H.'s representation before her guardian ad litem raised the issue during the dispositional hearing. The guardian ad litem told the court about L.H.'s wish to return to her mother's custody, but the guardian ad litem did not advocate for that result because, in the guardian ad litem's opinion, returning to Jackie's custody would not serve L.H.'s best interests. The difference between the guardian ad litem's opinion and L.H.'s express wishes does not show a conflict of interests that requires the court to appoint a new guardian ad litem. As the court noted in *In re Tasha L.-I.*, 383 Ill. App. 3d 45, 55 (2008), a guardian ad litem must "recognize and recommend a disposition in the minor's best interest, even when the minor himself does not recognize those interests." A guardian ad litem acts appropriately when she informs the court of the child's wishes, and informs the court of the guardian ad litem's own recommendation, even when that recommendation conflicts with the child's wishes. See *Tasha L.-I.*, 383 Ill. App. 3d at 55-56.

¶ 38 The guardian ad litem also told the court of L.H.'s wish to have a new attorney appointed to act as her guardian ad litem. The court appointed a new guardian ad litem for L.H., and that guardian ad litem concurred with the original guardian ad litem's opinion that remaining in Christopher's custody would best serve L.H.'s interests. Thus, the appointment of a separate guardian ad litem for L.H. would not have made any difference in this case. L.H., through her guardian ad litem, does not support Jackie's position on this issue. L.H., through her guardian ad litem, asks this court to affirm the trial court's judgment. We find that L.H.'s representation by the original guardian ad litem during the adjudication hearing does not warrant reversal.

¶ 39

### Injurious Environment

¶ 40

Jackie contends the trial court erred by finding, at the conclusion of the adjudication hearing, that Jackie exposed her children to an injurious environment, within the meaning of section 2-3(1)(b) of the Act. 705 ILCS 405/2-3(1)(b) (West 2012). We will reverse the trial court's finding of neglect only if it is against the manifest weight of the evidence. *In re N.B.*, 191 Ill. 2d 338, 346 (2000). Due to the "delicacy and difficulty of child custody cases," we afford the trial court " 'an even greater degree [of deference] than [we afford in] any ordinary appeal to which the familiar manifest weight principle is applied.' " *In re D.L., Jr.*, 226 Ill. App. 3d 177, 185 (1992), *quoting In re Martin*, 31 Ill. App. 3d 288, 293 (1975). "Each petition alleging an injurious environment is unique, and must be decided according to the circumstances of that case. [Citation.] Generally, however, our courts have interpreted 'injurious environment' to include the breach of a parent's duty to ensure a 'safe and nurturing shelter' for his or her children." *N.B.*, 191 Ill. 2d at 346, *quoting In re M.K.*, 271 Ill. App. 3d 820, 826 (1995).

¶ 41

Jackie admitted that she brought her children with her to church, where they heard the teachings of the pastors, Phil and Colleen Livingston. Phil and Colleen developed "light therapy" as a treatment for anxiety, stress, and pain. As the treatment progressed, both the therapist and the subject took off all clothing, and the therapist would insert his or her finger into the vagina or anus of the subject while praying. Adults sometimes spent time naked with several other adults in the Livingston's home. Jackie and Ericksen both testified that no children engaged in the therapy, and the therapy never occurred at the church. However, the Livingstons shared a home with Jackie and her children for several months in 2010. L.H. said she met with Phil perhaps 20 times. This evidence, apart from the testimony of

Jerusalimiec, suggests a possibility that Jackie might expose her children to naked adults, and the talks between L.H. and Phil might progress to light therapy, which Phil advocated as a means of desexualizing the body. The court could find the possibility of digital penetration of L.H., and naked encounters with adults, sufficient to show the threat of emotional harm. See *M.K.*, 271 Ill. App. 3d at 826-27.

¶ 42 Jerusalemiec added that she saw L.H. and I.H. naked around adults in the Livingstons' home. She testified that Phil encouraged her to become sexually aroused during therapy, as achieving orgasm would show that she let God enter her. Jerusalemiec also said that Phil asked her to make L.H. comfortable with light therapy.

¶ 43 The trial court found Jerusalemiec's testimony credible, and we see no grounds for rejecting the court's assessment of her credibility. See *In re D.L.*, 326 Ill. App. 3d 262, 269 (2001). The testimony of Jerusalemiec, together with the testimony of Jackie and Ericksen, and L.H.'s interview, amply supports the finding that Jackie exposed her children to an injurious environment that subjected them to a substantial risk of harm. See *In re Sharena H.*, 366 Ill. App. 3d 405, 416 (2006). We affirm the trial court's finding of neglect.

## 44 Dispositional Finding

¶ 45 The trial court found Jackie unwilling or unable to care for her children. Again, we review the finding only to determine whether it is against the manifest weight of the evidence. *Lakita B.*, 297 Ill. App. 3d at 994; *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991). In the disposition of child neglect cases, the court must focus on the best interests of the child. *In re Stilley*, 66 Ill. 2d 515, 520-21 (1977); *In re A.S.*, 2014 IL App (3d) 130163, ¶ 22.

¶ 46 All therapists and caseworkers who testified in this case agreed that leaving L.H., I.H. and C.H. in Christopher's custody served the children's best interests. The witnesses

emphasized Jackie's failure to provide a nurturing environment for her children, as she isolated them from all persons not involved in the Ministries and discouraged them from participating in the therapy DCFS recommended. Jackie also failed to participate in the therapy DCFS recommended for her, and she missed many scheduled visits with her children during the months around the time of the dispositional hearing. One of the guardians ad litem argued that Jackie's conduct showed that she put her own interests ahead of her children's needs. The finding of the Kane County court concerning Christopher's dishonesty does not affect the finding that Jackie has not shown herself willing to correct the conditions that led to the restrictions on her time with her children. The trial court's finding that Jackie was unwilling or unable to care for her children was not against the manifest weight of the evidence. See *In re Kamesha J.*, 364 Ill. App. 3d 785, 794-95 (2006).

¶ 47

#### Religious Freedom

¶ 48

Finally, Jackie argues that the trial court's dispositional order violates her right to freedom of religion. In the course of ruling on the custody of the children, the trial court said that, according to the caseworkers, Jackie needed to help "establish a support system outside of the church ministry" for her children, to prevent the children from becoming isolated from their peers. The court did not order Jackie to leave the Ministries, and it did not make further contact with the children depend on Jackie reducing her role in the Ministries. Instead, the court only found that Jackie had not provided a nurturing environment for her children insofar as she established no support system other than the church for her children. The evidence supports the finding and the finding supports the dispositional order. We find that the trial court's dispositional order did not impermissibly infringe on Jackie's freedom of religion. See *People ex rel. Wallace v. Labrenz*, 411 Ill. 618, 625 (1952). Jackie cites

*Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. \_\_\_, 2014 WL 2921709, but that authority has no relevance here because the trial court's order did not substantially burden Jackie's free exercise of religion.

¶ 49

#### CONCLUSION

¶ 50

The trial court did not abuse its discretion when it heeded the advice of the therapists and caseworkers assigned to the case, and quashed the subpoenas Jackie issued to compel her children to testify. Jackie forfeited any objection to the failure to appoint a separate guardian ad litem for L.H. during the adjudication hearing. The manifest weight of the evidence does not contradict the trial court's findings that Jackie subjected her children to an injurious environment, and that she had shown herself unwilling or unable to take care of her children. The dispositional order does not impermissibly infringe on Jackie's freedom of religion. Accordingly, we affirm the trial court's judgment.

¶ 51

Affirmed.